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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/822,901

04/13/2004

James E. Robertson

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3998

27572

7590

06/30/2006

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EXAMINER

PAPE, JOSEPH

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/822,901

Applicant(s)

ROBERTSON ET AL.

Examiner

Joseph D. Pape

Art Unit

3612

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) 47-69 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-19,21-27,29-38,41-46,70-72 and 75-85 is/are rejected.
- 7) ☐ Claim(s) 3-5,20,28,39,40,73 and 74 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 and 14 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>see attached pages</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: In paragraph 26, line 10, it is thought that "32" should be changed to --32--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 10, 12-14, 17-18, 21-23, 32, 81, 83 and 85 are rejected under 35 U.S.C. 102(b) as being anticipated by the French reference 2,120,326.

The French reference discloses the claimed invention including upper beam E2 and lower beam T1. Reference Figure 1.

Re claim 10, note roll bar C in the Figure 2 embodiment.

Re claims 12 and 32, element E1 is considered to comprise "armor" as broadly as recited.

Re claim 23, the door hardware is indirectly attached to the structure.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 19 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference 2,120,326 in view of Wolf et al.

The French reference discloses the claimed invention except for a diagonal beam.

Wolf et al. disclose a cross car reinforcement having an upper beam, lower beam and diagonal beams 36, 37 between the upper and lower beams.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reinforcement arrangement of the French reference with a diagonal beam between the upper and lower beams as taught by Wolf et al. to enhance the cross car strength of the structure.

7. Claims 6, 7, 11, 24-25 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference 2,120,326 in view of Hussaini et al.

The French reference discloses the claimed invention except for an entertainment system attached to the reinforcement.

Hussaini et al. disclose an electronic entertainment system attached to a rear portion of a vehicle seat.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to indirectly attach an entertainment system to the reinforcement of the French reference by attachment to the rear portion of the front seat as taught by Hussaini et al. in order to provide entertainment to the passenger of the rear seat.

Re claim 29, note roll bar C in the Figure 2 embodiment.

8. Claims 8, 9 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference 2,120,326 in view of DE 19916849.

The French reference discloses the claimed invention except for a passenger safety restraint attached to the reinforcement.

The '849 reference discloses an airbag attached to a cross member between the front and rear seats of a vehicle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach an airbag to the reinforcement of the French reference as taught by the '849 reference in order to provide enhanced safety to the passenger of the rear seat.

9. Claims 15 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over The French reference in view of Smith.

The French reference discloses the claimed invention except for the fixed roof being converted to a convertible roof.

Smith discloses a convertible roof for a vehicle having front and rear doors with front and rear passages.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to convert the fixed roof of the French reference to be convertible as taught by Smith to enhance the function of the vehicle.

10. Claims 16 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference.

It would have been obvious to construct the reinforcement of the French reference with hydroformed metal as the specific process for forming the parts of the reinforcement because such a “product by process” recitation does not distinguish the current invention from the French reference. See MPEP 2113.

11. Claims 34, 41-45, 70, and 75-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference in view of Smith.

The French reference discloses the claimed invention except for the fixed roof being converted to a convertible roof.

Smith discloses a convertible roof for a vehicle having front and rear doors with front and rear passages.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to convert the fixed roof of the French reference to be convertible as taught by Smith to enhance the function of the vehicle.

Re claims 41 and 75, note roll bar C in the Figure 2 embodiment.

Re claim 43, the examiner takes official notice that automating a convertible top is notoriously well known and that it would have been obvious to automate the convertible top of the French reference, as modified, for this reason.

Re claim 44, note hard roof panel 28.

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12. Claims 35-36, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference 2,120,326, as modified and as applied to claim 34, in view of Hussaini et al.

The French reference, as modified, discloses the claimed invention except for an entertainment system attached to the reinforcement.

Hussaini et al. disclose an electronic entertainment system attached to a rear portion of a vehicle seat.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to indirectly attach an entertainment system to the reinforcement of the French reference, as modified, by attachment to the rear portion of the front seat as taught by Hussaini et al. in order to provide entertainment to the passenger of the rear seat.

13. Claims 37-38, and 72 rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference 2,120,326, as modified and as applied to claim 34, in view of DE 19916849.

The French reference, as modified, discloses the claimed invention except for a passenger safety restraint attached to the reinforcement.

The '849 reference discloses an airbag attached to a cross member between the front and rear seats of a vehicle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach an airbag to the reinforcement of the French reference, as



modified, as taught by the '849 reference in order to provide enhanced safety to the passenger of the rear seat.

14. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference in view of Lancia.

The French reference discloses the claimed invention except for a floor tunnel.

Lancia discloses a cross car reinforcement 11, 10 etc. which is attached to a floor tunnel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the reinforcement of the French reference to a floor tunnel provided to have an overall lower floor surface as taught by Lancia as an alternate vehicle floor construction arrangement.

15. Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference 2,120,326 in view of Wolf et al.

The French reference, as modified above for claim 70, discloses the claimed invention except for diagonal beams.

Wolf et al. disclose a cross car reinforcement having an upper beam, lower beam and diagonal beams 36, 37 between the upper and lower beams.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reinforcement arrangement of the French reference,

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as modified, with diagonal beams between the upper and lower beams as taught by Wolf et al. to enhance the cross car strength of the structure.

16. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference.

The examiner takes official notice that automating a convertible top is notoriously well known and that it would have been obvious to automate the convertible top of the French reference for this reason.

#### ***Allowable Subject Matter***

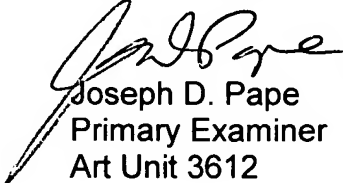
17. Claims 3-5, 20, 28, 39-40, and 73-74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (571)272-6664. The examiner can normally be reached on Tuesday-Friday 6:30 AM-3:00 PM.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Joseph D. Pape  
Primary Examiner  
Art Unit 3612  
6/21/06

Jdp

6/21/06